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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TIMOTHY GARDNER

Plaintiff,

vs.

CITY OF BERKELEY, and DOES 1 through 50, inclusive.

Defendants

No.: C10-03410 EMC

DECLARATION OF CHERYL LINDENAU

21 I, Cheryl Lindenau, declare as follows:

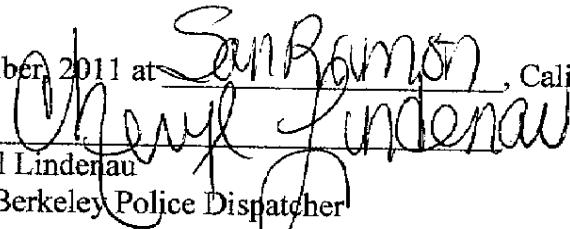
1. The following facts are within my personal knowledge and, if called as a witness therein, I can and will competently testify thereto:
2. I was a Berkeley Police Dispatch Supervisor and served with the Police Department from 1995 through 2004. I suffered a wrist injury and underwent eventual surgery but continued working for the department. Sometime afterwards, I requested part-time work known as per diem. Chief Roy Meisner told me I would have to resign from the police department and then reapply. I subsequently did so at his suggestion. Two weeks later, I

1 re-applied but Chief Meisner told me that the City Manager would not rehire me. I
2 eventually re-applied to the Berkeley Police Department and was denied.

3 3. In 2004, Captain Bobby Miller called me on the phone told me that the City
4 Manager would not hire me back because of my wrist injury and the surgery I'd had on
5 it.

6 4. In the Spring of 2009, I re-applied to the Berkeley Police Department, was placed at
7 the top of the eligibility list, and submitted all background documents as requested.
8 Although I was clearly more qualified than the other candidates, having working steadily
9 for a nearby police agency as a dispatcher over the intervening years, I was not advanced
10 in the application process beyond submitting my paperwork. I believe that I was not
11 selected because of the department's hostility to my original injury.

12 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
13 and correct.

14 Executed this 29th day of November, 2011 at San Francisco, California.
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16 Cheryl Lindenau
17 Prior Berkeley Police Dispatcher